

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

J.H., *a minor, by and through his father*
and next friend, JOHN HAASER,

Plaintiff,

vs.

ANTHONY BURRIDGE, et al.,

Defendants.

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Case No. 4:10CV931 JCH

ORDER

This matter is before the Court, on its own motion, to set aside the Clerk's Entry of Default against Defendant Shauna Stevens. On August 16, 2010, Plaintiff filed a Motion to Remand. (Doc. No. 10). Two days later, Plaintiff filed a Motion for Default as to Defendant Stevens, and the Clerk of Court entered default against Defendant Stevens on August 19, 2010. (Doc. No. 12). In her response to the Clerk's Entry of Default, Defendant Stevens claims that she never received a summons and complaint. (Doc. No. 14, p. 1). However, the record reflects that Plaintiff successfully served Defendant Stevens with the summons and complaint on July 7, 2010. (Doc. No. 8). To date, Defendant Stevens has failed to answer or otherwise respond to Plaintiff's Complaint, and to respond to Plaintiff's Motion to Remand.

Additionally, the Court notes that Defendant Stevens filed a Motion for Appointment of Counsel and Affidavit in Support (Doc. No. 15), and a Motion for Leave to Proceed In Forma Pauperis and Financial Affidavit (Doc. No. 16). Because Defendant Stevens is not the plaintiff in this action, the Court will deny these motions.

Accordingly,

IT IS HEREBY ORDERED that the Clerk's Entry of Default as to Defendant Shauna Stevens entered on August 19, 2010 is **VACATED**.

IT IS HEREBY FURTHER ORDERED that Defendant Shauna Stevens has ten (10) days from the date of this Order to file (1) an answer or otherwise respond to Plaintiff's Complaint, and (2) a response to Plaintiff's Motion to Remand.

IT IS HEREBY FURTHER ORDERED that Defendant Shauna Stevens' Motion to Appoint Counsel (Doc. No. 15) is **DENIED**.

IT IS HEREBY FURTHER ORDERED that Defendant Shauna Stevens' Motion for Leave to Proceed in forma pauperis (Doc. No. 16) is **DENIED**.

Dated this 2nd day of September, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE